1: Evans-Pritchard E-5 (1931, 1936) 1940
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192 It is not necessary to add more examples of cattle-terms and
183 their uses to demonstrate that we are dealing with a galaxy of words in the arrangement of which a thesaurus of some magnitude might be compiled. I need only emphasize that this intricate and voluminous vocabulary is not technical and departmental but is employed by every one and in manifold situations of ordinary social life. I have only treated a fragment of a fragment of the linguistic field relating to cattle. I could enter into further detail, but, at best, I have only surveyed, and in an amateur way, that field, which invites broader and more specialist research. My purpose has been to draw attention to it and to show how a study of the dominant interest of Nuer might be approached from this angle. The subject is necessarily vast, because, as we have seen, it is not possible to discuss with Nuer their daily affairs, social connexions, ritual acts, or, indeed, any subject, without reference to cattle which are the core round which daily life is organized and the medium through which social and mystical relations are expressed. Nor is Nuer interest in cattle confined to their practical uses and social functions, but is displayed in their plastic and poetic arts, in which they are the chief theme. The over-emphasis on cattle is thus strikingly shown in language, which, moreover, by compelling reference to cattle, whatever be the subject of speech, continually focuses attention on them and makes them the superlative value of Nuer life.

IX

231 Another way in which Nuer engrossment in cattle can be
183 illustrated—our last exemplification thereof—is by noting how readily and frequently they fight about them, for people risk their lives for what they greatly value and in terms of those values.

183 At the present time cattle are the main cause of hostility
231 towards, and suspicion of, the Government, not so much on
721 account of present taxation as of earlier tax-gathering patrols
578 which were little more than cattle raids and of the avowedly plundering expeditions of the Egyptian Government era that preceded them. Nuer war with the Dinka has been almost entirely offensive and directed towards appropriation of herds and annexation of grazing grounds. Cattle have also been the

chief occasion of strife among Nuer themselves. Indeed, after a successful raid on Dinka stock there is often further fighting over the booty. Moreover, Nuer tribes raid one another for cattle. Thus the Leek raid the Jikany, Rengyan, and other western tribes, and cattle raids are of common occurrence along tribal boundaries elsewhere, for to 'steal' (*kwal*) cattle from another tribe is regarded as laudable. Within a tribe, also, fighting frequently results from disputes about cattle between its sections and between individuals of the same section, even of the same village or homestead. Nuer fight on slight provocation and most willingly and frequently when a cow is at stake. On such an issue close kinsmen fight and homes are broken up. When ownership of cattle is in dispute Nuer throw over caution and propriety, showing themselves careless of odds, contemptuous of danger, and full of guile. As my Nuer servant once said to me: 'You can trust a Nuer with any amount of money, pounds and pounds and pounds, and go away for years and return and he will not have stolen it; but a single cow—that is a different matter.'

Nuer say that it is cattle that destroy people, for 'more people have died for the sake of a cow than for any other cause'. They have a story which tells how, when the beasts broke up their community and each went its own way and lived its own life, Man slew the mother of Cow and Buffalo. Buffalo said she would avenge her mother by attacking men in the bush, but Cow said that she would remain in the habitations of men and avenge her mother by causing endless disputes about debts, bride-wealth, and adultery, which would lead to fighting and deaths among the people. So this feud between Cow and Man has gone on from time immemorial, and day by day Cow avenges the death of her mother by occasioning the death of men. Hence Nuer say of their cattle, 'They will be finished together with mankind', for men will all die on account of cattle and they and cattle will cease together.

It must not, however, be supposed that Nuer live in continuous turmoil: the very fact that they are prepared to resist any infringement of their rights in cattle induces prudence in the relations between persons who regard themselves as members of the same group. It may be said, furthermore, that the great

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munity of one tribe attempts to avenge a homicide on a community of another tribe a state of intertribal war, rather than a state of feud, ensues, and there is no way of settling the dispute by arbitration.

As Nuer are very prone to fighting, people are frequently killed. Indeed it is rare that one sees a senior man who does not show marks of club or spear. A Nuer gave me the following causes of fighting: a dispute about a cow; a cow or goat eats a man's millet and he strikes it; a man strikes another's little son; adultery; watering rights in the dry season; pasturage rights; a man borrows an object, particularly a dance ornament, without asking its owner's permission. A Nuer will at once fight if he considers that he has been insulted, and they are very sensitive and easily take offence. When a man feels that he has suffered an injury there is no authority to whom he can make a complaint and from whom he can obtain redress, so he at once challenges the man who has wronged him to a duel and the challenge must be accepted. There is no other way of settling a dispute and a man's courage is his only immediate protection against aggression. Only when kinship or age-set status inhibits an appeal to arms does a Nuer hesitate to utter a challenge, for it does not occur to him to ask advice first, and no one would listen to unsolicited advice. From their earliest years children are encouraged by their elders to settle all disputes by fighting, and they grow up to regard skill in fighting the most necessary accomplishment and courage the highest virtue.

Boys fight with spiked bracelets. Men of the same village or camp fight with clubs, for it is a convention that spears must not be used between close neighbours lest one of them be killed and the community be split by a blood-feud. It is also a convention that no third person may take part in the fight, even though he be a close kinsman of one of the combatants. Once a fight has begun neither party can give way and they have to continue till one or the other is badly injured unless, as generally happens, people pull them away from each other, loudly protesting, and then stand between them.

When a fight starts between persons of different villages it is with the spear; every adult male of both communities takes part in it; and it cannot be stopped before considerable loss of

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unlikely that they will all be paid at once and the debt may continue for years. The ceremonies of atonement are performed when some twenty have been handed over, and then the slayer's kin may go about without fear of being waylaid, for the time being at any rate, for they are not safe from vengeance till all the cattle have been paid, and possibly not even then. The chief takes the cattle to the dead man's home. The slayer's people would not venture to accompany him. They are partly distributed among the kinsmen of the dead man and partly used to marry a wife to his name to give him heirs. Even if a man on either side has been killed cattle must be paid by both parties, though perhaps only twenty head by each, for the ghosts must be appeased and the honour of the living must be upheld. Also, sacrifices must be performed to rid the villages of death, which is loose in them and must be sent into the bush, and kinsmen on both sides must be purified from their uncleanness. For his part in the proceedings the chief receives, apart from meat of sacrifices, two beasts, but he has to give one of these to an agnatic kinsman who assists him. Often he gains nothing, as he is expected to give the slayer a cow to help him pay compensation and, moreover, he has had the expense of providing him with lengthy hospitality.

A homicide does not concern only the man who has committed it, but his close agnatic kinsmen also. There is mutual hostility between the kinsmen on both sides and they may not, on penalty of death, that will inevitably fall on those who break the injunction, eat or drink with one another or from the same dishes and vessels the other has eaten or drunk from, even if in the home of a man who is not kin to either party. This prohibition ceases after the cattle have been paid and sacrifices made, but close kinsmen on either side will not eat with one another for years, even for a generation or two, for reasons of sentiment. 'A bone (the dead man) lies between them.' Indeed, all Nuer recognize that in spite of payments and sacrifices a feud goes on for ever, for the dead man's kin never cease 'to have war in their hearts'. For years after cattle have been paid close agnates of the slayer avoid close agnates of the dead man, especially at dances, for in the excitement they engender the mere knocking against a man whose kinsman has been slain may cause a

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fight to break out, because the ofence is never forgiven and the score must finally be paid with a life. When the dead man is married a wife the bride is rubbed with ashes by her dead husband's kinsmen and God is invoked by them that she may bear a male child who will avenge his father. Such a child is a *gat ter*, a child of feud. At the sacrifices the ghost is told that his kinsmen have accepted cattle and will marry him a wife with them, but he is assured that one day they will avenge him properly with the spear. 'A Nuer is proud and wants a man's body in vengeance and not his cattle. When he has killed a man he has paid the debt and then his heart is glad.' Hence, though the chief admonishes the relatives of the dead man at the ceremonies of settlement that the feud is ended and must not be reopened, Nuer know that 'a feud never ends'. There may be peace for a time for the reasons that persuaded the kinsmen to accept compensation and on account of the cattle they have received, but enmity continues and the people on both sides remain *jiër*, people who are at feud, even if there is no overt hostility. There is no frequent fighting or continuous unabated hostility, but the sore rankles and the feud, though formally concluded, may at any time break out again.

VI

We have said that feuds create a state of hostility between lineages and thereby, as we shall explain further, between whole tribal sections; and that there is no very great difference between the occasional efforts to exact vengeance when feuds are still unsettled and the latent hostility that persists when they have been settled. This is only true, however, when the homicides are between primary, secondary, and tertiary tribal sections. In smaller groups it is not so, for, in spite of the strength of the feelings aroused and their persistence after compensation has been paid, feuds have there to be settled more quickly and are not so likely to break out again after settlement.

What happens when a man kills another depends on the relationship between the persons concerned and on their structural positions. There are different payments for a true Nuer, for a Dinka living in Nuerland, and, among the Eastern Jikany, for a member of the aristocratic clan (see p. 217). The

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When a Nuer speaks of a person having stolen (*kwal*) an animal, he means that he has taken it without permission and by stealth and by no means implies that he ought not to have taken it. Within a tribe an abductor of cattle always considers that he is taking what is owing to him. It is a debt (*ngwal*) which he is settling in this way, because the man who owes him cattle has not repaid them of his own accord. The legal issue, therefore, is whether he is right in assuming a debt and whether he should have taken the particular animals he took. So well is this practice of helping yourself to what is owing to you an established habit, that it may be said to be a customary way of settling debts. Thus the final cattle of a homicide-payment are often seized in the pastures, and it often happens that when a bridegroom and his kin do not hand over all the cattle they have promised, the wife's brothers try to seize the animals still owing to them. In other circumstances a man will steal a cow which he is owed, sometimes employing the services of a magician to charm the owner so that he may not guard his herd on the day the theft is planned; for example a man who lent another an ox for sacrifice in sickness, at his daughter's wedding, in time of famine, and so on, and has not received a heifer in return, although the debtor possesses one. Having seized a cow from the debtor's herd he is quite willing to return it if he receives instead the heifer owing to him. The debtor will then either try to steal his cow back again or he will open a discussion which will result in his paying a heifer and receiving back his cow.

The only quarrels within a village or camp about ownership of cattle that I have witnessed have concerned obligations of kinship or affinity and have eventually been settled by one party giving way on account of his relationship to the other. If a man seizes cattle from a kinsman or neighbour he walks into his kraal and takes them. If the owner has a strong case he may resist: otherwise he lets the cattle go, for he knows that the man will be supported by public opinion in the community. If a man seizes cattle from a man of a different village he adopts different tactics. With one or two friends he watches the cattle in their grazing-ground till a suitable opportunity occurs. I have never heard of a Nuer stealing a cow from a fellow tribesman merely because he wanted one. He has, on the other hand, no hesitation in stealing cows from persons belonging to neighbouring tribes and will even go with friends to another tribe in order to steal from them. This theft (*kwal*) is not considered in any way wrong.

If a man commits adultery he pays an indemnity of five cows and an ox, unless the man is impotent, when the adulterer can

6: Evans-Pritchard E-5 (1931, 1936)1938
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312 233 drink. Each beast also soon gets to know its special trough and when loosened or when returning from pasture at once makes for it, though when the camp starts there is often confusion, for if an animal approaches a trough that does not belong to its master it is driven away by the owner of the trough and cows are thus driven from trough to trough till they discover the right one and join the other cattle of their household which are drinking there.

[578] On the arrival of a new household at the camp their kinsmen allow them to use their troughs till they have dug their own wells. Frequent disputes take place over wells for a man guards his water jealously. While I was at Yik several persons near Muōt tōt were killed in a fight that started in a dispute about wells.

A boy is placed on duty to watch the troughs all day long and often he plants a thorn bush in the bed of the river near his troughs and throws some grass on its branches so that he may have a little shade in the heat of the day. The lad's main duty is to prevent the sheep and goats from drinking water at the troughs reserved for the cattle for the cattle do not like drinking after them and they foul the water. Sheep and goats either have their own troughs or are allowed to drink when the cattle have had their fill. But as they graze unattended near the camp they may return at any time and try to drink from one of the cattle-troughs. A boy who allows sheep and goats belonging to another household to drink the water drawn for his father's cattle is in for a whipping from his elder brother. Even the crows are driven away from the precious water. The most other boys will do to warn a sleepy comrade that the water of his trough is being drunk is to sing out "*Caa lil o, caa lil*" and one constantly hears this refrain in the camp. When a boy sings this chant every lad looks to his troughs to make sure that it is not from them that water is being drunk.

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312 [515] No washing is allowed from the troughs and if a man wants a bath he must get a comrade to pour water over him at a well-side. Every care is taken to keep the water clean and the wells are frequently inspected. If the water is discoloured a man descends to the bottom,

8:Howell E, G-5 (1942-1944)1954
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interests. In most parts of Nuerland too the nature of the terrain—isolated outcrops of flood-free ground often widely separated—usually precludes the possibility of clashes between different settlements. Likewise when the rains cease the cattle are widely dispersed in small camps over the 'intermediate' plains. There is no shortage and no need for a clear demarcation of boundaries between the units of one community, or between different communities coming from different settlements.

As the dry season advances, when the 'intermediate' grasses become unpalatable and water supplies run short, concentration increases, and the small camps join together in larger ones in the *toic*. Cattle-camps with five or six thousand animals are not uncommon, and often there are many of such camps clustered along the banks of a river or watercourse in one region. More careful regard for rights in these pastures and in the fisheries which go with them may be necessary if disputes are to be avoided. Yet there is usually plenty of grazing, though this varies according to prevailing climatic conditions. In one year the river may be low and the rains light, with the result that the Nuer must penetrate farther into the riverain marshes; in another, a high river level may limit their movements to the fringes. Both circumstances may result in shortages, and something between the two extremes is probably the ideal; but many Nuer tribes have alternative grazing grounds which are utilized in varying proportions according to the year. For example, the Dok and Jagei Nuer can use the marshes of the Bahr el Jebel in a year when that river is low and much of the flood-plain uncovered, or they can move to the pastures of the Bilnyang system, which are produced partly by water spilling from the main river, and partly by water draining from a different catchment area. Some Nuer tribes do not have these advantages; in some areas periodic plagues of biting flies or mosquitoes, whose incidence also obviously varies with different climatic conditions, prevent the full utilization of their summer grazing grounds. Generally speaking, there are rarely acute shortages, and even in the *toic* the boundaries between tribes or tribal segments need not be closely guarded.

In certain circumstances, however, such boundaries become essential, and their infringement may then cause disputes, which often result in violence and bloodshed. Sometimes there is an unusual shortage both of grazing grasses and water-points, and people who have normally tolerated the intrusion of outsiders less favourably provided than themselves, turn upon them and demand their withdrawal. Again, an epidemic of some contagious disease such as rinderpest or contagious bovine pleuro-pneumonia makes quarantine and segregation of the herds essential. Fear of the spread of disease compels the owners to guard their boundaries more closely. To bring contaminated cattle into an area recognized as the exclusive right of other segments, and

8:Howell E, G-5 (1942-1944)1954
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where strangers are only allowed on sufferance, is a particularly serious infringement of grazing rights, and one which raises a storm of protest quickly followed by blows. Disputes of this nature do not usually start on a tribal scale; the initial quarrel arises between two adjacent cattle-camps near the boundaries, but feelings of indignation may extend along the lines of segmentation until two large segments or even two tribes are ranged against each other. Rights in grazing are recognized and follow the lines of the segmentary system, but are not a constant source of friction. Violation of these rights in years when it was necessary to guard them almost invariably led to hostilities in the past. Nowadays, though fights are not infrequent and boundary disputes are a common cause of blood-feuds, disputes of this nature are often settled peacefully in the courts.

Water Rights

Rights in watering places cannot be treated except in relation to grazing. In the dry season it is the availability of water which largely determines the extent to which certain pastures within the territory of the tribe or the tribal segment are used. This applies particularly to those Nuer tribes who are unable to reach perennial rivers like the Zeraf, Bahr el Jebel, or Sobat. Disputes over pools, especially in dry years when they dry out early in the year, often arise and may lead to bloodshed. Water rights, however, follow the same principles which govern the division of territory according to the segmentation of tribal structure. Shallow wells are sometimes sunk, and are the property of the individual who digs them, but subject always to his obligation to share with his kinsmen and neighbours.

Fishing Rights and Hunting Rights

Fishing rights go with the divisions of territory in which the fish pools are situated and are guarded with perhaps a greater intensity of feeling than are rights in land. Fishing in the riverain area is essentially a dry season occupation, and there are fishing pools or stretches of shallow rivers and watercourses attached to and situated within grazing areas. Fishing is also a collective activity, and the right of the individual is limited by his membership of the tribal segment to which the pool belongs. Fishing again depends largely on the climatic conditions prevailing. A season of heavy rainfall followed by an abrupt drop in levels in the rivers and their tributaries is usually the ideal. Fish have been able to move far upstream during the rains, but are prevented from returning to the deeper waters of the main channels and are concentrated in depressions and pools shallow enough for the people to spear them. In such circumstances fish are not scarce, and pools

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farther afield may be abandoned for the time being. Other people whose opportunities for fishing may not be so great as their neighbours' may utilise the less accessible pools unmolested, but should climatic conditions cause scarcity elsewhere their owners will demand the right to use them to the exclusion of other people.

Hunting rights are also defined by the limits of recognized tribal or segment territory, but since the Nuer are not very active hunters there is no clear definition, and quarrels rarely arise. There are rules governing the division of the flesh of wild animals killed in collective hunting, though they are rarely followed without argument. The division of meat in these circumstances often leads to violent quarrels but is not a subject which reaches the stage of litigation in the courts. Ivory, a very valuable commodity in Nuer eyes, not because of its market value but because it is the ambition of most Nuer to own an ivory bracelet, is subject to more definite rules. The right tusk must always go to the first spearer, the *ran me ioic e-je*, the left tusk to the second spearer, the *ran me gam e-je*. Others who take part in the hunt, even if the wounds they have inflicted have been much more deadly than those of the first two spearers, get no more than their share of the meat. Those who get the tusks must divide them among their kinsmen according to principles similar to those which govern the distribution of bridewealth cattle. The central portion must be given to the *gaan buthai* of the lineage, this portion being sufficient to make one large bangle; of the remainder a portion must go *kui gaan*, to the father's side, and a portion *kui man* (or *nar*), to the mother's or maternal uncle's side. Dead elephants are sometimes found, the ivory going to the first and second finder in the same manner. The right to tusks and the way in which they are distributed are not matters which come before the courts, and there are strong ritual sanctions for observing the correct rules. There is a mystical link between man—that is, Nuer—and elephants, which means that killing them is not only a hazardous physical undertaking, but is also spiritually dangerous. It is something akin to homicide, and special ritual must be performed, including the letting of blood (*hirr*) from the first spearer.[1] Nuer also believe that if they ignored the rules of distribution, the spirit (*ciem*) of the dead elephant would haunt them and would bring them misfortunes.

Conclusion

Rights in land are therefore collective and follow the segmentary structure of Nuer society. They are recognized and nowadays will be enforced in the courts, and they embrace all types of land necessary to the subsistence economy of the Nuer, but they are not in constant

[1] As in homicide it is the first spearer who is held responsible for the animal's death.

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From the point of view of initiation Nuer life is divided into two periods, the initiatory period and the period when no initiation may take place. These alternating periods are known as that when the knife is brought out, *ngom ham rar*, at the commencement of the period of initiation, and that when the knife is hung up, *ba ngom ngaŋ*, at the conclusion of the period. At the commencement of an initiation period the cattle-expert kills a bullock, a big dance is held, and he makes a speech opening a new period of initiation. It seems that in each tribe there is one cattle expert whose authority is recognised in matters concerning the age-set cycle.

In Gaajak country there was a serious dispute between two cattle-experts about commencing a new age-set. The privilege of giving orders for initiation had previously been in the hands of the lineage of Ngweny Riek. Owing to the fact that there was no son old enough to perform the duty it was carried out by the lineage of Jop Gai. Afterwards these two lineages appear to have taken over the duty in turn; the lineage of Riek gave orders for the *Thut* age-set to be initiated, the lineage of Gai gave orders for the *Beiloc* age-set to be initiated and so on. When it came to the *Rialmac* age-set it was Ngweny's turn to order initiation to commence but Jop refused to allow him to officiate. In revenge Ngweny made indentations into the ceremonial knife to render it useless and uttered a curse, saying that if the knife was his right then pus would come out of the ears of Jop, whereas if the knife belonged to Jop then pus would come out of his own ears. Another informant said that the dispute was occasioned by the question whether the knife should be brought out or hung up, *i.e.*, whether the period of initiation should be opened or closed and that Ngweny said," Let the knife now be hung up and not be taken down again till one of us has died. When one of us has died let the other order initiation to commence." Jop died and his rival initiated the *Rialmac* age-set. This same informant said that the knife will in future remain in the hands of the lineage of Ngweny since, as a result of Jop's death from the curse, his lineage would not again shoulder the responsibility.

It is the cattle-expert who gives a name to each age-set, *e.g.*, *Dangwaga*, *Makar*, *Lilkgac*, etc., at the end of a period of initiation and no one may then be initiated until he has opened a new period. It is believed that if a boy were to be initiated after the cattle-expert had given orders for

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The balanced opposition of political segments is, we believe, largely maintained by the institution of the feud which permits a state of latent hostility between local communities, but allows also their fusion in a larger group. We say that the hostility is latent because even when a feud is being prosecuted there is no uninterrupted endeavour to exact vengeance, but the kinsmen of the dead may take any opportunity that presents itself to accomplish their purpose; and, also, because even when compensation has been accepted the sore rankles and the feud may, in spite of settlement, break out again, for Nuer recognize that in sentiment a feud goes on for ever. The leopard-skin chief does not rule and judge, but acts as mediator through whom communities desirous of ending open hostility can conclude an active state of feud. The feud, including the role played in it by the chief, is thus a mechanism by which the political structure maintains itself in the form known to us.

The leopard-skin chief may also act as mediator in disputes concerning ownership of cattle, and he and the elders on both sides may express their opinion on the merits of a case. But the chief does not summon the defendants, for he has neither court nor jurisdiction and, moreover, has no means of compelling compliance. All he can do is to go with the plaintiff and some elders of his community to the home of the defendant and to ask him and his kinsmen to discuss the matter. Only if both sides are willing to submit to arbitration can it be settled. Also, although the chief, after consultation with the elders, can give a verdict, this verdict is reached by general agreement and in a large measure, therefore, arises from an acknowledgement by the defendant's or plaintiff's party that the other party has justice on its side. It is, however, very seldom that a chief is asked to act as mediator, and there is no one else who has authority to intervene in disputes, which are settled by other than legal methods.

In the strict sense of the word, the Nuer have no law. There is no one with legislative or juridical functions. There are conventional payments considered due to a man who has suffered certain injuries—adultery with his wife, fornication with his daughter, theft, broken limbs, &c.—but these do not make a legal system, for there is no constituted and impartial authority who decides on the rights and wrongs of a dispute and there is no external power to enforce such a decision were it given. If a man has right on his side, and, in virtue of that, obtains the support of his kinsmen and

11:Evans-Pritchard E-5 (1931, 1936) 1945
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by his maternal uncle's wife are married he ought not to use the cattle for his own purposes but ought to keep them till the brothers of the girls are old enough to marry with them, for "the cattle of the father" and "the cattle of the mother" are theirs by right as heirs to their pater. Nevertheless he often takes advantage of the minority of the sons and this sometimes leads to altercations and bad feeling in the family. The history of my servant, Wia ♂, is a case of this kind.

A woman, Nyagen ♀, was stolen when a girl by the Anuak people and was married to an Anuak called Uluri ♂. By him she begot Cam ♂, so-called after an Anuak spirit. Nyagen ♀ then ran away from her husband taking her son with her to another Anuak district where she lived with a man called Wicuko ♂ by whom she bore Bithou ♂.[1] The Lou Nuer then took Nyagen ♀ and her sons captive during a raid into Anuak-land. It was discovered that she was sister of Dar ♂, a Lou aristocrat, who took charge of her and married her to Carou ♂, a Gaajok aristocrat, who was also to take her son Bithou ♂ to his home, while her other son, Cam ♂, was to remain with Dar ♂ and be his heir, since he had no sons of his own. When Cam ♂ grew to boyhood he deserted his maternal uncle and went to live with his mother and her husband in Gaajok country and was there initiated into manhood. However, he quarrelled so much with members of Carou's village that he eventually came back to live with his maternal uncle. Before Dar ♂ died he told Cam ♂ to marry him a wife and Cam ♂ took Nyabuom ♀ in marriage to his name with the bride-cattle of Mer ♀, his maternal uncle's sister. Nyabuom ♀ bore Cam ♂ several sons and daughters. I shall not give further details here but mention only the outstanding and relevant facts. Nyabuom's other sons have died leaving Wia ♂, a youth of about twenty-five years of age, as sole survivor. Her daughters have been married and Cam has used their bride-cattle to marry further wives and for other private purposes. In Nuer law his portion consists only of the cattle due to him for having begotten and brought the girl up. "The cow of the paternal aunt" belongs to his mother who is still alive. In taking the whole of the bride-wealth he has therefore abused his trust as guardian of his maternal uncle's son and though he was not prevented from disposing of the cattle he was much criticised for doing so, and finally antagonised his son.

People said: "A good man who was in the position of Cam ♂ would regard Wia ♂ as a man of a different household (*ladie ruon guel gole*) and would say to him "You are a ghost-child, marry a wife for your lineage" (*Lubi gat joka, kaam cok thok dhiethe*). Long ago he would have divided his herd and would have given Wia ♂ the cattle of his father's herd and of his sisters' marriages."

But Cam ♂ is quarrelsome and excitable, even unbalanced at times, and has resisted all pressure brought to bear on him to behave according to accepted standards. The kinsmen of Dar ♂ have protested in vain against his abuse of trust and there have been rows about the matter between Nyagen ♀, who supports her son, and her kinsmen. The con-

[1] After the Anuak word "to die" (*thou*). It is equivalent to the Nuer name Bilieu.

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sequence of Cam's action in everyone's opinion is to be seen in the death of all Wie's brothers. The ghost of Dur ♂ is angry because his cattle have not been used to marry his son a wife, and he has killed his sons.

Wie's position is a difficult one. He has been brought up by Cam and has always regarded him as a father. On the other hand he is disgusted with his unfair treatment. His attitude towards Cam ♂ is a mixture of affection and hatred. His attitude is not simply the blend of opposed feelings that one may find in an adult son's attitude to his father in many societies, perhaps any society, but is complicated by the fact that legally he is not Cam's son at all but a son of Dur ♂ and stands to Cam in the relationship of mother's brother's son. When I first knew Wie ♂ he was inclined to accept the position in more protest and to leave his pater's kinsmen to fight for him a battle which as a son he felt unable to wage on his own behalf. When I met him again four years later h's heart had hardened and he was more obstinate. He told me that he had first entered my service, *cume ni Turuk*, " among the Turk , because he could not abide his father's greed. When I left the country in 1933 he was glad to be passed on to my friend Mr. F. D. Corfield, District Commissioner of the Eastern Nuer, whose groom he became. I took him on again for a month in 1935 and we paid a joint visit to Yakwac, Cam's hamlet. Wie was being married at the time and had the full support of his kinsmen in the undertaking and in the struggle with his father which it entailed.

As a result of his service with Mr. Corfield and myself he had collected a small herd at the district headquarters of Nasser. Cam wished him to use this herd as bride-wealth for his marriage. He resolutely refused to do so saying that Cam's herd was composed entirely of cattle derived from his (Wie's) sisters' marriages and that in the past he had used other cattle which rightly belonged to Wie to marry additional wives for himself so that it was Cam's duty to obtain a wife for him out of the cattle of his herd. He was heir to his pater's cattle and it was Cam's business to see that he was married a wife with these cattle and not Wie's business to work with Englishmen to earn cattle for his own marriage. Wie said that he would keep the cattle he had earned and make a second marriage in the future. There were lengthy and sometimes violent discussions on this theme. Wie himself said little but refused to give away. He was o- obviously acting within his rights that Cam eventually provided the bride-wealth. By this time, however, Wie was so estranged from his father that he told me he would never settle in his father's hamlet but would live for a time at Nasser and then settle with his pater's people in another village. He is not only angry at Cam's abuse of trust but is also aware that were he to settle at Yakwac and pasture his cattle there Cam is so reckless that he would either try to seize his cattle to contract another marriage or would involve himself in law-suits and having used all his own cattle in paying compensation and debts would then use Wie's cattle for the same purposes.

A man who cohabits with his brother's widow must also remember that he has full rights of parental control over the sons he begets by her only so long as they are minors. When a son has been initiated into manhood he

11:Evans-Pritchard E-5 (1931, 1936) 1945
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takes his pater's place in society and becomes head of his pater's *gol* (household). If his genitor is wise he will respect his son's independent status and will build him a byre next to his own and give him the cattle to which he is heir. When the genitor acts honestly difficulties between himself and his dead brother's son do not arise. His nephews (natural sons) will retain their respect and affection for him and will share their cattle with him. But Nuer are very greedy where cattle are concerned and the temptation to use a dead brother's herd to marry wives for himself during the minority of his sons is often more than a man can resist. This does not matter if he obtains the consent of the widow and explains what he is doing to his small sons and later, when they grow up, provides cattle for their marriages from his own herd. But Nuer say "Women have weak characters and cannot stand up against a man's will" and the genitor may put undue pressure on the widow to get her consent to use his dead brother's cattle for his own purposes, or even act without it. When the sons grow up he finds that he has no cattle left for them to marry with and they are resentful and want to know what has happened to their father's herd. Likewise their uncle may use the cattle of their sisters' marriages for his own purposes while they are still minors and they will not easily forgive this breech of trust when they grow up and want to marry. A son in this position is unlikely to move away from the village in which he has been brought up because this is his own village where his agnatic kinsmen live, but his relations with his uncle may become strained and he may harden in his insistence on his full legal rights in future instead of accepting a friendly give-and-take arrangement. If exasperated beyond endurance he may go to live with his maternal uncles. Conflicting loyalties often make a boy's position difficult, for as a son he feels he ought to respect and obey his "father" and as a nephew he feels he ought to insist on his rights.

Trouble is more likely to arise when a boy falls under the guardianship of his dead pater's brother and is not begotten by him. As explained elsewhere uncles frequently abuse their trust and dissipate the dead man's herd and in these circumstances his sons are almost certain to rebel when they become men.

The correct procedure is for the uncle and guardian to build a byre for his nephew and ward as soon as he is initiated and to hand over to him his dead father's cattle since he has now become head of an independent household. It is a great event when a boy comes of age and can take his dead father's place. The *gol* (household) once again has its head. The *luak* (byre) is once more occupied. The *mar* (fire) of the dead man has been rekindled. It is a day of great joy to the mother and of pride to the boy's kinsmen.

This correct procedure is well illustrated in the case of Ging *ɟ*—Ging *ɟ* who was resident at Nyueny during my visit, at the home of Dhoal (Homestead No. XX), his sister's husband. His father was killed in fighting some years ago and he was brought up at the home of his mother's lover, Liep *ɟ*—Deng *ɟ* of Kar village. When he was old enough to be initiated his dead father's brother brought him back to his paternal village

11:Evans-Pritchard E-5 (1931, 1936) 1945
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any other place as his home. But when he reaches manhood the sense of kinship so strong in Nuer, and the desire for the cattle of his pater's heritage, attract him to the village of his true paternal kinsmen. 604 428

Which group he finally joins depends on a number of conditions. The most important of these conditions is the existence of close kinsmen of the pater for if he left behind him brothers they are almost certain to want their child to live among them. Thus where we find adult sons living with their genitors in Nuerland it normally means that they have no very close agnatic kin whom they may regard as "fathers" and "brothers".

A further factor, closely bound up with that of the existence of close agnatic kin, is the disposition of herds and the allocation of rights in them. During a man's lifetime he usually divides his herds among his wives but they have only use of the cattle for milk and have no rights of disposal in them. They hold them in trust for their sons who after initiation have full control over them. When I suggested to Nuer that the widows might disperse and take the cattle to the homes of their brothers and lovers my remarks always evoked disapproval. "That is impossible. The eldest son (if initiated) would not allow it. He would say 'These are our father's cattle. They must remain in our father's byre'." If the widows scatter, the children and the cattle must remain in the homestead of the dead man. That is the rule and it is only when the dead man has no close kinsmen to enforce it that the widows may remove the children and the cattle. Even if they are permitted to do so the brother, or [578] lover of a widow would take a serious risk were he to dispose of the cattle, for when the sons grow up he will have to give an account of his stewardship and if he has disposed of the cattle it is not unlikely, Nuer tell me, that one of the sons will split his head open with a club.

A widow is only allowed, in normal circumstances, to keep the cattle if she remains in her dead husband's village and takes a lover or is visited there by a lover from another village. If she goes to a lover's home she may, perhaps, take a cow to nourish her babies but the herd will remain with her husband's brothers. In either case the lover has no control over the cattle though sometimes the widow and her children, if she retains the herd in her husband's home, may assist the lover to marry by giving him the right. Thus Nyamani ♀ (Homestead No. IV) gave Panyuan ♂ a cow to assist him to marry, but Bilieu ♂, her son, was old enough to understand what was happening and to give his consent. Nuer say that if a lover managed to use the cattle without hindrance at the time his sons would drive him away when they reached manhood and might even injure him. They would also raid (*kwaf*) his herd to recompense themselves.

I do not know of a single instance among the widows who have left their husband's village and come to live at Nyueny where one of them has brought cattle with her. The cattle have been kept by the kinsmen of their husbands and the widows "have come to Nyueny only for children." 588 428

It is only in rare instances, where the pater has no close kinsmen, that a lover becomes guardian of the children and trustee for the cattle. When the daughters are married the "cattle of the father" and the "cattle of

11:Evans-Pritchard E-5 (1931, 1936) 1945
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587 would therefore be balanced by the acceptance of the sons of Kwenwar as
588 though they were the sons of Jany in division of bride-wealth.
428 The children of Kwenwar and the children of Jany are figured in
593 Diagram No. X. As previously explained, the persons shown there as
431 the children of Jany by Nyamuni are legally the children of Col, the father of Jany. However, in the village they are always known as *goat Jany*, "the children of Jany" and their womenfolk always speak of *kun mun goat Jany*, "we, the womenfolk of the sons of Jany". At the present time the distinction is entirely one of nomenclature since Jany married Nyamuni in ghost-marriage. Likewise in the same diagram the children born of Nyadiing who was spouse in ghost-marriage to Gwanbol, a son of Jany, who took her in marriage to his father's name, are omitted. For we are now treating of bio-social actualities rather than legal configurations and these actualities can be understood better if all legal configurations other than those strictly relevant to the particular problem being discussed are omitted.

587 How strong are the ties of legal affiliation where the pater belongs to one
588 clan and the genitor, to a different clan may be seen in a difficulty that arose
428 between the sons of Kwenwar and the sons of Jany during my residence
593 at Nyueny. The sons of Kwenwar said that as several of their wives and
●578 children had died in recent years they intended to move to Long country, to the home of the kinsmen of their pater. The sons of Jany are opposed to this move. They say that they have always accepted the sons of Kwenwar as brothers, and that they have always treated them as such in division of bride-wealth. They have always given them the support which brothers are supposed to render to each other. They now recollect with bitterness all the bride-cattle of their sisters that they have so generously divided among the sons of Kwenwar, for on the marriage of each of their sisters the sons of Kwenwar have received a share of "the cattle of the father" when it would have been to the advantage of the sons of Jany to have treated them as members of a different family and lineage, a social distinction which they are now putting forward in favour of their contemplated move.

Panyuan *ɟ* told me that if the sons of Kwenwar move this principle of share and share alike will be abandoned and that in future each of the two legal families concerned will insist on their strictly legal rights (*rumpiɛ*). The sons of Kwenwar will no longer profit by their generosity. They may ask for what is their legal due but will receive no more. According to Nuer ideas they might claim a cow or two on the marriage of Jany's own daughters even if they could not insist on their claim. But, in fact, they have received the major part of the bride-cattle of each daughter, because, being the eldest sons, they were the first to marry. Panyuan *ɟ* felt very sore at their talk of departure and recounted to me in detail all the cows and oxen they have received from the sons of Jany.

587 Barunyai *ɟ* is the most anxious to move. Panyuan *ɟ* told me that
588 Barunyai *ɟ* thinks if the sons of Kwenwar go to Long country they will be
428 among their true kinsmen, but that they will find that the sons of Jany
593 are their real kinsmen when they have lived there a short time. They

12:Evans-Pritchard E-5 (1930-1931) 1933
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619 fled from the Dinka who had brought him up they said "*achiɔ Aaŋ* (someone, the stranger) has gone. This phrase became corrupted into the word Jɔkaŋ, by which name the descendants of Kir are now known." This is an unlikely explanation, for one reason because the terminal phoneme in Jɔkaŋ is *ŋ* and not *ŋ*, and for another reason, because *ji* is obviously a prefix meaning "people," as in JIKAGA, the people of Nac, or JIKUL, the people of Kul.[1] By analogy one may suppose that Jikaŋ are the people of Kaŋ, but it is very doubtful if Kaŋ can be regarded as a proper name and equated with Kir, who was the founder of the dominant clan in this tribe and who, we might expect, would furnish the proper name after which the tribe would be called if they were called after a man. One may, nevertheless, I believe, ask a descendant of Kir "*Labi Kaŋ?*" ("Are you a Kaŋ?") in the same way as one may ask a descendant of Nac "*Labi Nac?*" ("Are you a Nac?"). Some people explain the term Jikaŋ by saying that it is derived from a word meaning palm trees on account of a connection between palm trees and Kir who lived near them or who was found in a gourd on them or at their feet.

186 There can be no doubt that tribesmen have an emotional feeling about their country and hence towards its other occupants. This sentiment arises from common action in warfare, common name, common traditions, common regulation of public life, common territory, and above all from the fact that in each tribe one clan is predominant and forms the iron girders of kinship around which the political structure of the tribe is built up. Except in occasional periods of solidarity, however, when the tribe acts together as a military unit, the sentiments which bind its members together are extremely weak. Then we find lengthy feuds going on between one section and another within the tribe itself.

619 621 627 (1) Nevertheless, machinery, even though it is cumbrous and not always very effective, exists by which feuds can be prevented or settled sooner or later when they take place between segments of the same tribe, whereas if a member of one tribe kills a member of another tribe there is no definite social machinery for controlling the situation which will arise as a result of the homicide. At the same time it is necessary to point out that the degree of control over retaliation for homicide varies

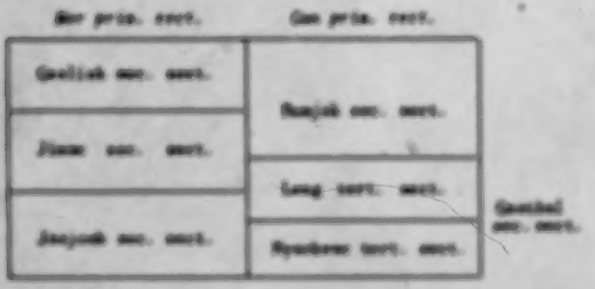
[1] In reading proofs I notice that I have written Jikaŋ and Jɔkaŋ equally but have not thought it worth while to alter. This is also the case with Jikac and Jɔkac.

15: Butt E-4 (No date) 1952 F 322 Nuer F 322

TERRITORIAL SEGMENTS

619 Nuer tribes are split into a number of segments. For example, the Lou tribe is segmented into Gaa and Nar primary sections; Gaa primary section is segmented into Ranjok and Gaatlial secondary sections and the Gaatlial secondary section into Long and Nyarkuac tertiary sections. A tertiary section consists of a number of village communities. The diagram given by Evans-Pritchard to illustrate this tribal segmentation is reproduced below.(1)

LOU TRIBE



All other Nuer tribes follow this pattern, although the degree of segmentation may vary according to the size of the tribal unit. The segments of a tribe have the same characteristics as a tribe, but the smaller the segment the stronger the sentiments of unity. Each segment of a tribe tends to have its own special dry-season pastures. Each segment in its turn has a segmental structure and there is opposition between its parts. Members of any segment unite [721] for war against adjacent segments of the same order and unite with these adjacent segments against larger sections. For example, if there is a fight between Nar and Gaa primary sections Ranjok and Gaatlial (the secondary segments of Gaa primary segment), will unite against the combined Nar secondary sections. Both primary sections (each comprising all their smaller segments) will unite against another tribe. This principle of segmentation and the opposition between segments is the same in every section of a tribe and even extends beyond the tribe.(2)

578 The Nuer distinguish between various types of hostility:

625 721 1. Dwar. Individual duelling.
2. Tar. A feud within a tribe where compensation can be made.
3. Bar. A fight between tribes where no compensation can be made.
4. Par. Raiding Dinka.

578 When a man conceives himself to have been wronged there is no court of law to which an appeal may be made. The only method of settlement is by a duel. Boys fight with spiked bracelets; men of the same village or camp

(1) Evans-Pritchard, The Nuer, 1940, p.139.
(2) Ibid., p.140.

15: Butt E-4 (No date) 1952 F 322 Nuer F 322

with clubs. Spears are not used between neighbours lest someone be killed and a blood feud started which will disrupt the community. No third person may intervene in these duels.

In fights between persons of different villages spears are used and every adult male takes part. Fighting occurs mainly between small tribal segments, only occasionally between primary segments or tribes. Feuds cannot occur except within a tribe for it is only in the tribal unit that a breach of law is recognized and the machinery for settlement exists. Between tribes settlement can only be effected by war.

THE SETTLEMENT OF A BLOOD FEUD

The slayer seeks sanctuary with the leopard-skin chief who will ritually cleanse him and make a sacrifice to protect him from the vengeance of the spirit of the slaughtered man and his kinsmen. Vengeance is the most binding obligation of paternal kinship. After an interval, negotiations for compensation are begun. In theory 40 to 50 cattle are paid; in practice ceremonies of atonement are performed when about 30 have been handed over. The cattle are distributed among the kin of the dead man and a certain number of them are used to secure a wife who will be married in the dead man's name. The leopard-skin chief receives two beasts, and the most of the sacrifice, but in fact he often gets nothing and may have to help in paying the compensation. He also has the expense of keeping the slayer during the period before settlement.

Feuds occurring between small groups are settled quickly, especially those within a village, where ties are so close that ordinary life would be completely disrupted if a blood feud were to continue for any length of time. It is much more difficult to settle a feud between persons of different tribal segments than between persons in the same tribal segment.(1)

Theoretically, all feuds in a tribe can be settled by compensation but this does not always occur in feuds involving primary tribal sections. If people are killed in a large-scale fight, compensation is not always paid nor revenge taken, kinsmen merely wait until the next fight occurs.

A feud arises only between two agnatic kin groups but, owing to the extent of kinship ties and local sentiment, a whole tribal section may support the lineage within it which is at feud with a lineage in another tribal section. The close association between territorial units and kinship units makes the feud an important aspect of inter-segment relationships.

HOSTILITY BETWEEN THE NUER AND DINKA

The Nuer and Central Dinka are very similar in culture and organization, but they are ancient enemies and constantly raided each other in the past. The attack was usually made after the rains by the Nuer, who would establish a base in Dinka country and spend several weeks there raiding in all directions. The Dinka did not offer much resistance, merely scampering to flee to safety with their cattle. This contrasts raiding was partly due to lack of resistance, and the advantages of obtaining extra cattle.

(1) Evans-Pritchard, The Nuer, 1940, p.150.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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sacrifice spirit, even as most materially conceived of, eats the blood and the chyme, not even in the sense of consuming their essence. Clearly, they are not materially consumed. Nuer do not say that spirit feeds on (*mieth*) or eats (*cam*) or drinks (*madh*, *ruiidh*) them. They do not use these words, but say that God, or a spirit, *kon*, takes, them. It is not a question of eating anything—what eating there is is done by the people—but of taking something, the life. This would seem to be a matter of great importance in an estimation of Nuer religious thought. 782

When, therefore, Nuer say that the blood and the chyme belong to God we are to understand, I would suggest, that this is a way of saying that the life belongs to him. It is true that we cannot say for the Nuer, as for the Hebrews, that the blood is the life. The word for life, *yiegh*, is also the word for breath, so that if we were to say that anything 'is' the life we would have to say it of the breath; though even here the word 'is' must not be taken to imply identity but a symbolic relationship. We must rather suppose that the blood and the chyme, and especially the blood, are also symbols of the life. 782 761

Human blood has for the Nuer a peculiar psychical value. When kinsmen and neighbours fight they use clubs instead of spears. No doubt this convention is most easily explained as making homicide a less likely outcome than if spears were permitted and, should it happen that a man be killed, of making a settlement easier to bring about on the grounds of absence of intent; but there may be a different, or at any rate an additional, reason for it. It may be that behind it is the notion that not the same responsibility is felt if the life-blood does not flow as it would from a fatal spear wound—that in a sense the man has not taken the life, that the death happened of itself, as Nuer would put it. That Nuer have some such idea is shown by the fact that a ghoul may be killed with impunity but only if he is beaten to death with clubs and his blood is not shed. The blood of a man slain with the spear is moreover thought to enter in some way into the slayer, and he must therefore at once have his arm cut by a leopard-skin priest to let it out. This must mean that blood is thought to have some vitality of its own. The rite of initiation must be held in a homestead because the blood of the initiates must not be shed outside the home and care is taken to bury it in the holes into which it flows lest dogs eat it. These examples, and others could be cited, 782 [578] 826

16: Evans-Pritchard E-5 (1931, 1936) 1956
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793 561 between successive age-groups within the age-set system and not between kin-groups or local and political communities.

793 578 It is remarkable that, considering what cattle mean to Nuer, the man of the cattle is not socially or ritually so important a figure as the priest of the earth. Doubtless this is because his functions in the organization of the age-sets are not so often brought into play, nor so striking and important, spiritually and socially, as the priest's functions in homicides and the feuds that arise from them. There is an opposition in thought between the two. It cannot often happen that a man of the cattle quarrels with a priest of the earth; yet Nuer volunteer the information that if they quarrel and curse one another the man of the cattle asks the leopard-skin priest on what he expects to live if all his cattle die, and the priest counters by asking the man of the cattle whether he intends to take his cattle up to the skies as he can no longer pasture them on earth. Nuer say that since both are placed in an impossible situation they exchange gifts to dissolve the curses. Mr. P. Coriat in a Government Report of 27 February 1931 remarks that some of the Karlual tribe were feeling the need for a man of the cattle (for some reason they did not, I suppose, have one at the time), and he adds that the reason for this is a belief that if a man quarrels with a leopard-skin priest his cattle will not be acceptable as sacrifices as the earth cannot absorb their bones and blood. Therefore the services of a man of the cattle are necessary, so that the sacrifices will go direct to heaven. Mr. Coriat's observation suggests that Nuer tend to think of the man of the cattle in relation to the above and of the leopard-skin priest in relation to the below. This may be so, but I have no clear evidence that the former is classed as a *ran nhial*, a person of the above.[1]

793 As I have said earlier, the word *kuar* may be used in a general sense to describe persons with ritual powers in contrast to *dueghei*, laymen. I do no more than mention the titles and functions of some others than those we have been discussing, because they are not prominent figures in Nuer society and play only occasional and minor roles in their religious life. The *kuar yiëk* or *kuar yiini*, priest of the mat or mats, acts as arbitrator between the

[1] To P. W. Schmidt (*op. cit.*, pp. 1–4, *et passim*) the problem is solved in terms of culture-complexes. With agriculture go mother-right, evidences of which he finds among the Nuer, and an earth-religion. With cattle husbandry go father-right and a Sky-God religion. Nuer culture is a mixture of the two.